

**Washington State Human Rights Commission  
Minutes of May 25-26, 2006  
Spokane, WA**

May 25, 2006  
Gonzaga Law School

**Attendance**

**Commissioners:** Kathy Baros Friedt, Commission Chair; Ellis Casson; Jerry Hebert; Dallas Barnes; and Deborah Sioux Lee.

**Staff:** Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Bruce Redding, Gary Lewis; Kim Pierce; and Heidi Silver, Civil Rights Investigators; and Sharon Ortiz, Operations Manager.

**Guests:** David Browneagle; Mayor Dennis Hession, City of Spokane; Mary Verner and Joe Shoegun, Spokane City Council.; John G.; Connie McCleary; Alisha Moss; Lorin Miller; Tracy Struble, Spokane Community College; Buzz Destarlais, Native Project; Loretta Bombino, US Bank; Mary Loue Rosett; Leslie Hall; Buzz Gutierrez; Cindy Robinson, Native Project; Tracy Fuentes; V. David Browneagle; Cheryl Amann, Voices; Kathy Jensen, NW Justice Project; Patti Guardina; Joyce Raya Lockhard; Roger Moses, Spokane Schools; Jim Mahoney, Native Project; Brianna Ghesser, Goldmark for Congress; Kathy Picard; Dise Kuhta; Rodney McAwley; Spokane Schools; Carol Landa-McRider, Spokane Regional Task Force on Human Relations; James Sanderville, Marilyn Guterrez; Vinetta MacPherson; Cathy Mann, Voices; D. Bruhl; Tracy Kieffer; Tracy Kieffer; Stephen Reichard; Mabel Zavala; Karla Schneling, EWU; Ofa Redding, EWU; Ron Sammels, Spokane Tribe; Nicole DeVon, EWU; Salli Anstensen; Yvonne C. Montoya Zamora; Ashley Murphy; Pam Austin; Brad Stark; Marge Stasso; Antone Velone; Sandy Abrahamson; Toni Lodge; Tom Rice; Richard Garry; Bob Brisbois; Maggie Merrill; and Marley Eichstaedt, NW Fair Housing Alliance. About 85 individuals attended the forum.

*(The forum was audio recorded digitally)*

## **OPENING AND WELCOME**

Commissioner Baros Friedt called the public forum to order at 6:42 p.m. The focus of the forum was American Indian issues.

She then spoke about the work of the Washington State Human Rights Commission and similar forums that the Commissioners conduct around the state.

She introduced the Mayor of Spokane Dennis Hession and members of the Spokane City Council Mary Verner and Joe Shoegun.

The Commissioners introduced themselves. The Spokane staff of the WSHRC also introduced themselves. Those staff members were Investigators Heidi Silver, Kim Pierce, Gary Lewis and Bruce Redding and Operations Manager for Eastern Washington Sharon Ortiz.

David Browneagle gave opening remarks. He talked about stories his grandmother told him about the rich history of Spokane. He spoke about the need to listen to “our” hearts and speak from the heart.

Mayor Dennis Hession welcomed the Commissioners and Marc Brenman to the City of Spokane. He spoke of Spokane as a city of inclusion; but there’s more work to do in this area. Mayor Hession had to exit the forum early because of another commitment.

Marc Brenman gave an overview of the jurisdiction of the WSHRC including new legislation that covers sexual orientation and gender identity.

Dr. Raymond Reyes spoke about the history of Urban Indians. He touched on the Indian Relocation Act in 1952. He spoke about various pieces of relevant Federal Legislation passed over the past 50 years. He encouraged all involved to think strategically and to not just listen but take action.

Tracy Fuentes spoke about her experience with her Indian nephew in foster care with a Caucasian family. The foster family wanted to adopt him. But she also wanted to adopt him. She explained the difficulties she faced and culture barriers. She experienced problems with the Washington State Department of Social and Health Services (DSHS) throughout the process. Finally through much perseverance she was finally able to get custody of her nephew.

Toni Lodge of Native Project spoke next. She talked about Urban Indian health challenges. She spoke about the Bush Administration proposal to eliminate all funding for Urban Indian Health Clinics while setting aside several hundred million dollars to build health clinics in Iraq. The City of Spokane passed a resolution to support Urban Indian Health Clinic funding. Ms. Lodge urged the WSHRC to take up the issue of Indian Child Welfare. Indian children are at risk for being taken away from their families.

Bob Brisbois is a member of the Spokane Tribe and works for Indian Policy and Support Services at DSHS. He commented that individuals must “go to the top” to protect children and put their concerns in writing. Indian healthcare is a huge issue. Funding has not been at the 14% medical inflation rate but more like on half of one percent.

Cindy Robison spoke about her work at Native Project. She’s been there for three years. She’s witnessed the problems with Indian Children in the State of Washington’s welfare system. Grandparents lack rights. There are barriers for Indians seeking assistance for mental health. Indian youths are living on the streets. She commented about an overall lack of health care and counseling.

Vinetta MacPherson of Native Health spoke. Top health problems she sees facing Indians include diabetes, well child & well woman care and depression. Alcohol & drugs abuse is a large problem as well as poor health follow up visits. Many Indians have lower socioeconomic status, which contributes to these problems.

Tara Dowd spoke about health issues. She works on youth projects at Native Project. She received well child services from Native Project when she was a child. Toni Lodge mentored her. She was told in school that she wouldn’t succeed because she was Indian. She’s now 24 but still feels a connection to youths. She shared that Native Project doesn’t have the money and resources they need for youth programs. There’s a lack of services for parents and grandparents; they must be welcomed and supported too. Family is very important to Indian people.

Marylou Rosette is President of Parent Group, Title VII. She gave examples of sharing Indian culture at her daughter’s school. The official curriculum lacks Indian education.

Chepa Knows His Gun spoke about racial profiling. Indian families are treated poorly by the Spokane Police Department. They’re been thrown on the ground; no questions asked.

Ashley Murphy spoke about her Mescalero Apache heritage. She read a statement about Native American images in popular culture and youth perceptions of those images. She commented about negative images like the Pocahontas cartoon, football teams with Native American names like the Washington Redskins which comes from “bounty hunter” terms. There are prevalent images of “drunken” Indians and movies and television shows that perpetuate stereotypes. Her five year old nephew proclaimed that he didn’t want to be Indian because “they kill Indians.” She encouraged more accurate history books and positive images of Native Americans.

Joyce Raya Lockhard spoke about her experience with DSHS. She was told today that she could no longer have her nephew because her sister should be given a chance. Her sister is mentally ill and addicted to drugs and is “not clean,” yet DSHS insists on

returning her nieces and nephews to her. She's tried without success to get custody of them.

Marge Stasso spoke about her work at an Indian center. She was hurt by what she heard. She grew up in Chinatown in World War II. She entered community college and 50. She commented about at will employment in Washington.

Marley Eichstaedt of NW Fair Housing Alliance spoke about the work of her organization. She shared statistics from the US Department of Housing and Urban Development (HUD) regarding Native Americans and testing results. The test revealed that Native Americans don't receive the same "deals" as Caucasians and fared worse overall than other minority groups. She will provide those statistics to WSHRC.

Sandy Abrahamson teaches at Stevens Elementary School. She expressed problems with DSHS. She is unable to see her granddaughter and her adoptive daughter has a drug problem. She spoke about problems with therapist Carol Thompson.

Kathy Mann encouraged individuals to speak to policy makers and appoint culturally appropriate guardians.

Toni Lodge identified main points for consideration following the forum. She stated that DSHS should follow the law that's already in place for Indian children. Those children should receive culturally appropriate care. She spoke of a blatant disregard for the law and the Indian Child Welfare Act is consistently ignored.

Discussion continued about the need for a program audit at DSHS. There could be possible human rights violations so that should be considered.

Although WSHRC may lack specific jurisdiction over Indian Child Welfare Act issues, Commissioner Baros Friedt pointed out that WSHRC can shine a light on the issue and facilitate getting the message where it needs to go.

The Commissioners gave remarks and thanked everyone for their attendance and participation.

David Browneagle gave final remarks and closed the meeting.

There being no further business, the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioners

Friday, May 26, 2006  
Rock Pointe Plaza III

### **ATTENDANCE**

**Commissioners:** Kathy Baros Friedt, Commission Chair; Ellis Casson; Dallas Barnes; Deborah Sioux Lee; and Jerry Hebert. A quorum was present.

**Staff:** Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Sharon Ortiz, Operations Manager; Heidi Silver, Civil Rights Investigator; and Wilma Cartegena, Civil Rights Investigator (effective June 2, 2006).

**Guests:** Cindy Robinson, Native Project; Roger Moses, Spokane Schools; Bob Brisboise, Spokane Tribe; and Marge Stasso.

*(The business meeting was audio recorded digitally)*

### **OPENING AND WELCOME**

Commissioner Baros Friedt called the meeting to order at 9:10 a.m.

The Commissioners considered the minutes of the April 27-28, 2006 meeting. The minutes should be changed on page three to reflect the comment that the Bellingham Police Department uses INS staff for language translation services.

On page two change the minutes to reflect that agenda was changed for historical practice reasons rather than to make the evening “flow better.” Also, instead of saying many individuals signed up to speak state that nearly 70 people signed up to speak and nearly 200 people were present.

Commissioner Hebert noted that 85 people were present at the May 25, 2006 forum. He then made a motion to approve the minutes of April 27, 2006 with the noted changes. Commissioner Lee seconded the motion. MOTION CARRIED.

Commissioner Hebert made a motion to approve the minutes of the April 28, 2006 business meeting. Commissioner Lee seconded the motion. MOTION CARRIED.

The Commissioners discussed action items from the May 25, 2006 public forum.

Operations Manager Sharon Ortiz encouraged the Commissioners to use their power to write letters and contact the people who can take action. WSHRC has a lot of power and can use that power to reveal the injustices that exist.

Commissioner Baros Friedt commented about the need to be clear about expectations. That comment prompted a discussion about broken promises by government agencies,

which must “earn” acceptance in the Indian community and not make promises to the community that it can’t fulfill.

Craig Bill is the direct link to the Governor’s office on Indian issues. The Commissioners suggested that Marc Brenman meet with Mr. Bill and apprise him of the issues raised during the forum regarding DSHS.

Commissioner Hebert cautioned about being culturally insensitive and telling the Indian community what they need to do.

Cindy Robison of Native Health and Native Project spoke about the push to keep children in foster care. DSHS is engaging in such practices. Ms. Robinson also spoke about the lack of culturally sensitive mental health professionals. Mental health services are difficult to obtain for Indian youths especially if they don’t have Medicaid.

Bob Brisboise commented about lack of funding for tribes. He spoke about a general lack of trust of trust of government and generational trauma.

Commissioner Hebert commented about making an inquiry into the practice of Cindy Thompson, the mental health counselor that seems to be involved in many cases involving Indian children. Marc Brenman will research the issue as it relates to WSHRC’s jurisdiction.

### **ACTION ITEM REVIEW**

The Commissioners reviewed the action items from the April 27-28, 2006 meetings.

They discussed the Matthews v. Delancy case. The investigation resulted in a no reasonable cause finding. Staff will further research the broader issue of discriminatory statements made about African Americans and females related to this case. Staff issued a reasonable cause finding in the complainant’s girlfriend’s case based on race and sex.

The Commissioners discussed the Commission meeting expenses document that Tanya Calahan prepared. Costs for Commission meetings range from \$1322.75 to \$2046.42 per month.

### **CASE CLOSURES**

The Commissioners discussed several cases on the agenda. Commissioner Lee recused herself on the Romo v. SEFNCO Communications/Washington Employer’s Inc. case. Commissioner Hebert then made a motion to approve the cases on the case list. Commissioner Barnes seconded the motion. MOTION CARRIED.

### **REPORT FROM THE CHAIR**

Kathy Baros Friedt went on record about the cross burning incident which ended up being a prank. The so-called joke was still egregious and offensive; even if done in jest.

The Commissioners acknowledged Operations Manager Jerry Lee. Mr. Lee took another job at the City of Tacoma. Commissioner Casson expressed concern of the loss of another African American employee. Jennifer Greenlee will serve as Acting Operations Manager in Seattle.

The Commissioners discussed the language in the draft Commissioners Travel and Payroll Policy.

Commissioner Hebert expressed concern about granting authority to the chairperson to approve travel as well as compensation. Commissioner Baros Friedt will redraft the policy to reflect language that chairperson approval of compensation outside of Commission meetings is necessary. The policy will also reflect that the Commissioners will notify the chairperson of travel outside of regular Commission meetings rather than the chairperson approving the travel. If the Commissioners are going to travel and represent the Commission, the chairperson should at least know about it.

### **EMPLOYEE SURVEY**

Marc Brenman discussed the recent Department of Personnel survey. Twenty eight employees completed the survey. He went over the agency results as compared to the statewide statistics. Marc Brenman will work with the Management Team to take action to deal with the results of the survey.

### **RECONSIDERATIONS**

**Callaway v. HCR Manor Care.** The complainant appeared via telephone. The respondent did not participate. Civil Rights Specialist Bruce Redding summarized the case. The complainant alleged that he was asked his race during the application process. However, file evidence does not reflect that the respondent considered knew or considered the complainant's race in the hiring process.

Commissioner Lee made a motion to deny the complainant's request for reconsideration. Commissioner Casson seconded the motion. MOTION CARRIED.

Commissioner Hebert made a motion to accept staff's recommendation to deny the complainants' petitions for reconsideration for **Bowser v. United Parcel Service** and **Watkins v. Peninsula Glen Apartments**. Commissioner Casson seconded the motion. MOTION CARRIED.

### **STAFF INTRODUCTION**

Marc Brenman introduced Wilma Cartagena, who is a new investigator in the Spokane Office effective June 2, 2006. She's originally from Puerto Rico. Her husband is in the US Air Force. She's been in the Continental US for 20 years. She has a Masters Degree and a background in marketing.

### **CASE PRODUCTION REPORTS**

Marc Brenman shared photos of the Cinco de Mayo event in Sunnyside with the Commissioners. Deputy Director Idolina Reta and Civil Rights Specialist Juanita Soto attended the event. Many people visited the WSHRC's outreach table.

Mr. Brenman then handed out HUD and EEOC case production reports. EEOC case goals aren't as high as HUD. Many investigators have stepped up to voluntarily work overtime to meet case contract goals.

### **BUDGET REPORT**

As of May 15, 2006, the Office of Financial Management predicted a substantial underutilization of funds for WSHRC. Staff had previously issued cost savings measures. The agency is also under spent in Attorney General funds.

### **EXECUTIVE DIRECTOR'S REPORT**

Marc Brenman highlighted his Executive Director's Report. The online complaint system is up and running. Staff is still working out some minor problems with the online form.

Intern Seth Kirby is working on outreach materials for the new sexual orientation jurisdiction.

Mr. Brenman now distributes his monthly report to all staff after the Commission meeting.

### **UNFINISHED BUSINESS**

Commissioner Hebert spoke about having a forum in Silverdale on the new sexual orientation legislation. He will take the lead. Seth Kirby provided input into the format for the forum. He also has ideas for speakers.

Mr. Brenman handed out a budget decision package document for the Commissioners' review.

### **NEW BUSINESS**



Commissioner Hebert made a motion to adopt the Anti-Nazi Resolution. Commissioner Lee seconded the motion. MOTION CARRIED.

### **COMMISSIONER ACTIVITIES**

The Commissioners reported on their activities for May 2006 and upcoming events.

Commissioner Hebert is scheduled to speak at various Pride Events around Washington State. Commissioner Casson made a motion to authorize Commissioner Hebert to speak at various Pride events on behalf of the Commissioners. Commissioner Lee seconded the motion. MOTION CARRIED.

Commissioner Lee went to Native American Women's Leadership Conference as a Commissioner.

She was approached by Claudia Kauffman regarding the student handcuffing issue in Kent and the WSHRC's position on the matter. The ACLU is involved now. Commissioner Lee suggested a public forum in Kent.

Commissioner Hebert met with the 2006 Miss Viking Princess. The Poulsbo community's response to the issue was very positive. Investigator Mike Tovar brought the issue to Operations Manager Jerry Lee's attention who in turn immediately advised Marc Brenman about it.

Commissioner Casson attended an event at Garfield High School with Senator Obama and also attended an immigration rally.

Commissioner Baros Friedt will participate in a Latino Youth Summit at St. Martin's College. She's been involved in many Unity in the Community activities in Olympia including a "Not in Our Town" viewing. The Olympian will publish the names of Unity in the Community supporters in a newspaper advertisement for free.

Commissioner Casson expressed concern about the comments during the previous night's forum about the lack of attorneys to take cases. WSHRC staff can't do lawyer referrals but they can send individuals to the Washington State Bar Association's website and to agencies like NW Justice Project.

Commissioner Casson shared that Seattle University senior students are used by the Seattle Civil Service Commission to assist the public with legal services.

Commissioner Barnes commented that his concerns with Executive Director Evaluation Protocol have already been addressed. He also shared that he does not expect to be reappointed after his June 2006 term ends.

Commissioner Casson expressed concern about the Governor's Office not giving Commissioner Barnes the courtesy of being asked if he would like to be reappointed. Apparently, Governor Gregoire's office is not automatically reappointing Commissioners. He spoke about the lack of African Americans on Boards and Commissions in Washington State.

Commissioner Barnes spoke about options for June 2006 Tri Cities meeting.

Commissioner Baros Friedt expressed her objections to visiting farm worker camps. People feel like they're in a "zoo" when others come by to view the camps. She will not participate if the Commissioners plan to visit camps. She was more amenable to a focus on transition, difficulty getting home loans, and rentals after leaving farm worker housing. The agency can have more impact in these areas. Discussion continued about the appropriateness of visiting farm worker housing.

Operations Manager Sharon Ortiz suggested looking at the bigger picture of housing discrimination. She will work with Commissioner Barnes on the Tri Cities forum.

There being no further business, the meeting adjourned at 4:01 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioners

**Public Forum  
Action Items  
As of May 25, 2006**

1. Staff will research public assistance statistics in Washington State to obtain real numbers regarding minority public assistance recipients. (April 06)

**Status:** Deputy Director Idolina Reta is working on a draft. Staff posted immigrant cost statistics on the agency's website.

2. Tanya Calahan will provide the sign in sheets from the April 27, 2006 public forum to the Commissioners and other interested parties. (April & May 06)

**Status:** Those were provided.

3. Staff will duplicate the immigration themed DVD titled "Walking the Line" obtained at the April 27, 2006 public forum and distribute it to the Commissioners, as permitted by the DVD producers. (April 06)

**Status:** IT Manager Tim Reynolds will duplicate the video.

4. Kathy Baros Friedt will have a conversation with Sheila Collins of the Governor's Office about the issues raised at the forum to engage the Governor's office in these issues. WSHRC will send a letter to the Region One Administrator about complaints raised last night. Marc will research Indian Child Welfare Act.

**Status:** Commissioner Baros Friedt completed this task.

5. Ashley Murphy will email her statement that she read at the May 25, 2006 public forum in Spokane to Tanya Calahan to post on WSHRC's website.

**Status:** Statement has been posted on the agency's website.

6. Marley Eichstaedt of NW Fair Housing Alliance will provide HUD Native American testing data to WSHRC to post on WSHRC's website. (May 06)

**Status:** Marc Brenman will contact Ms. Eichstaedt for the information.

7. Make an inquiry into the Governor's Office's protocol of responding to emails from constituents. (May 06)

**Status:** Marc Brenman or Deputy Director Idolina Reta will follow up.

8. Send Vicky Countryman of Spokane Public Schools and City of Spokane's Human Rights Commission a copy of the minutes and action items from the May public forum when available. (May 06)
9.  
**Status:** Tanya Calahan will send the minutes once the Commissioners approve them.
10. Track results of meeting between forum participant Chepa Knows His Guns and the Spokane Police Department about profiling issue. Roger will let Operations Manager Sharon Ortiz know the results of the meeting. (May 06)

**Status:** This meeting has taken place.

**Commission Meeting  
Action Items  
As of May 26, 2006**

1. Tanya Calahan will distribute the Executive Director Annual Review Management Elements document to the Commissioners electronically. The Commissioners will then submit the completed documents to the Chair as detailed in the Executive Director Evaluation Timeline document. ED Self-Evaluation due to each Commissioner by **5/25**. Commissioners' independent evaluation of the ED to the Chair by **6/12**. (April 06)

**Status:** The ED Self Evaluation is completed. The Commissioners' independent evaluation is still due on 6/12/06.

2. Marc Brenman will report on his meeting with the new Chief Administrative Law Judge of the Office of Administrative Hearings in an upcoming Executive Director Report. (April 06)

**Status:** Meeting is scheduled.

3. Staff will research the Matthews v. Delancy case further regarding the alleged discriminatory statements about African Americans and females. (April 06)

**Status:** Staff will ask AAG to conduct research on the general issues relating to this case.

4. The Executive Director will outline when in-person investigations are particularly advised. (March 06)

**Status:** Mr. Brenman drafted a document and the Managers are currently reviewing a draft.

5. Include on HRC website information for referring people to the US Department of Education, Office of Civil Rights regarding overlapping jurisdiction on charges within schools. (March 06)

**Status:** Not completed yet.

6. Executive Director Marc Brenman will clarify the distinctions between whistleblower complaint jurisdiction under the State Auditor vs. whistleblower retaliation under the Washington Law Against Discrimination. (March 06).

**Status:** Deputy Director Idolina is working on a draft.

7. Staff will continue to look into the issues of the Guadalupe-Quesada v. Small Tribes Organization of WA case. (March 06)

**Status:** Case is completed. The finding is on the case list for the June 23, 2006 meeting.

8. Commissioner Baros Friedt will redraft the Commissioner Travel Policy as discussed at the May 26, 2006 meeting and redistribute it. (February 06)

**Status:** This item is on the May 26, 2006 agenda.

9. Tanya Calahan will contact Toby Olson about WSHRC's past funding practices for the Governor's Committee on Disability Issues and Employment (GCDE). (May 06)

**Status:** The agency is transferring \$5000 to GCDE for a one time payment via an interagency agreement.

10. Marc Brenman will check on the status of updates for HIV/Aids Outreach materials. (May 06)

**Status:**

11. Send the Commissioners Sexual Orientation FAQ when ready. (May 06)

**Status:** Staff is actively working on this item.

12. Commissioner Hebert is taking the lead on planning the public forum on the new sexual orientation jurisdiction in Silverdale on July 27, 2006. (May 06)

**Status:** Arrangements are underway.

13. Commissioner Hebert will provide dates, times, and other logistical information to staff for various Pride events that he is attending so WSHRC can have an outreach table at the events. (May 06)

**Status:** Commissioner Hebert provided this information to staff on June 6, 2006.

14. Marc Brenman will check with the ACLU and Kent community leader Claudia Kauffman Red Morning Star regarding the status of the student handcuffing issue in Kent. (May 06)

**Status:** Not done yet.

15. Commissioner Barnes and Operations Manager Sharon Ortiz will coordinate the June 22, 2006 public forum in the Tri Cities. (May 06)

**Status:** This item is completed.